

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1131

- Applicant** : Mr. Yiu Chung Chu represented by Metro Planning & Development Company limited
- Site** : Lot 1568 (Part) in D.D. 106 & Adjoining Government Land (GL), Yuen Kong, Kam Tin South, Yuen Long
- Site Area** : About 330m² (including GL of about 16.15m² (4.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Shop and Services (Real Estate Agency) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (real estate agency) and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves three structures of one to two storeys with a height of not more than 6.5m and a total floor area of about 255m² for real estate agency and meeting room, electricity meter room and rain shelter (**Drawing A-1**). Four existing trees within the Site will be preserved (**Drawing A-2**). Five parking spaces for private cars are provided within the Site and no vehicles exceeding 5.5 tonnes are allowed to enter/park at the Site. Sufficient manoeuvring space is provided within the Site to ensure that no vehicle will turn back onto the local access and no loud speakers will be used at the Site at all times.

The applicant also applies for regularisation of filling of land for 321m² (about 97.3% of the Site) with concrete of not more than 0.2m in depth up to a level of +20.0mPD for site formation of structures. The operation hours are 9:00 a.m. to 8:00 p.m daily including Sundays and public holidays. The site layout plan, tree preservation plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in four previous applications for the same applied use which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2022 (**Plan A-1**) (details in paragraph 5 below). All approval conditions under the last previous application (No. A/YL-KTS/938) were complied with and the permission lapsed on 23.12.2025. Compared with the last approved application, the current application is submitted by a different applicant for the same use covering the same site with the same layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments and **(Appendix I)** Supplementary Information (SI) received on 30.4.2026 and 7.5.2026 respectively
 - (b) Further Information (FI) received on 8.6.2026* **(Appendix Ia)**
 - (c) FI received on 12.6.2026* **(Appendix Ib)**
** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I to Ia**. They can be summarised as follows:

- (a) The applied use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone and is not incompatible with the surrounding areas.
- (b) The Site is subject to four previous planning permissions and all the approval conditions of the last previous application No. A/YL-KTS/938 were complied with. There are also similar shop and services uses adjoining the Site.
- (c) The applied use will not result in adverse traffic, environmental and drainage impacts on the surrounding areas. The applicant will comply with all environmental protection/pollution control ordinances and strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department (EPD). In support of the application, the applicant has submitted an as-built drainage plan.
- (d) Upon approval of the application, the applicant will submit to the Lands Department (LandsD) the necessary application for Short Term Tenancy (STT) and Short Term Waiver (STW) as appropriate for implementing the applied use.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a ‘current land owner’ but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents from the current land owners. Detailed information would be deposited at the meeting for Member’s inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

The Site was involved in four previous applications (No. A/YL-KTS/623, 724, 834 and 938) for the same shop and services (real estate agency) use (including two for renewal of planning permission granted). All applications were approved with conditions by the Committee between 2014 and 2022, each for a period of three years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surrounding uses; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and the proposed/applied use was in line with the relevant Town Planning Board Guidelines for renewal of planning approval for temporary use or development (for renewal applications). For the last approved application No. A/YL-KTS/938, all approval conditions have been complied with and the planning permission lapsed on 23.12.2025. Compared with the last approved application, the current application is submitted by a different applicant for the same use covering the same site with the same layout and development parameters. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are two similar applications (No. A/YL-KTS/932 and 1053) for shop and services with associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. Both applications were approved with conditions by the Committee between 2022 and 2025 each for a period of three years mainly on the considerations similar to those mentioned in paragraph 5 above. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) accessible from Kam Sheung Road via a local track; and

- (b) currently hard-paved and occupied by the applied use without valid planning permission.

7.2 The surrounding areas are rural in character with an intermix of the village settlements of Yuen Kong Tsuen, brownfield operations (including warehouse, open storage and construction machinery repair workshop), scattered residential structures, parking of vehicles, a shop, vacant land and grassland. Kam Sheung Road is to the north of the Site.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices III and IV** respectively.

9.2 The following government departments do not support or have adverse comment on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) the private lot is covered by Short Term Waiver No. 2036 for the purpose of “Temporary Shop and Services (Real Estate Agency)”;
- (d) the following irregularities have been detected:

Unlawful occupation of GL adjoining the private lot(s) with unauthorised structure covered by the application

the GL within the Site (about 16.15m²) has been unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and

- (e) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the "AGR" zone and is generally vacant with some structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 8.5.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services (real estate agency) and associated filling of land for a period of three years at the Site zoned "AGR" (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The applicant applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth for site formation of structures. Filling of land within the "AGR" zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively.

As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application. The applicant also undertakes to reinstate the Site upon expiry of the planning approval.

- 11.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of the village settlements of Yuen Kong Tsuen, brownfield operations, scattered residential structures, parking of vehicles, a shop, vacant land and grassland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied use is not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Regarding DLO/YL, LandsD’s concerns on the unauthorised structures within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant also commits to follow up with the necessary applications for STT and STW to LandsD upon approval of the application. Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the ‘CoP’ issued by EPD to minimise any potential environmental nuisance caused by the applied use.
- 11.5 There are four approved previous applications for the same applied use at the Site and two approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 26.6.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.9.2026;

- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.12.2026;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.3.2027;
- (e) if the above planning condition (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning condition (a), (c) and (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachments and SI received on 30.4.2026 and 7.5.2026 respectively
Appendix Ia	FI received on 8.6.2026
Appendix Ib	FI received on 12.6.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Tree Preservation Plan
Drawing A-3	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2026**